

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,	:	Criminal Action No. 03-97(FSH)
	:	
	:	
	:	
v.	:	ORDER
	:	
CHRISTOPHER PEMBERTON,	:	February 6, 2008
	:	
Defendant.	:	
	:	

This matter having come before the Court upon the letter request of Christopher Pemberton, now known as “Shadaiya Ben-Yahuwa,” to amend the judgment and commitment order to reflect his recent name change; and the United States having submitted an opposition to Defendant’s request; and the Court having reviewed the papers of the parties on this matter; and the Court finding that while the First Amendment protects Mr. Yahuwa’s right to legal recognition of his adopted religious name, see Ali v. Stickman, 206 Fed. Appx. 184, 186 (3d Cir. Nov. 16, 2006) (unpublished opinion), such protection does not extend to documents that pre-date his legal name change, such as his judgment and commitment order, see United States v. Baker, 415 F.3d 1273, 1274 (11th Cir. 2006); and the Court further finding that the Bureau of Prisons has a legitimate security interest in an efficient system of identification and administration of prisoners within its custody, see Fawaad v. Jones, 81 F.3d 1084, 1087 (11th Cir. 1996); and it appearing that to satisfy an inmate’s right to recognition of a post-incarceration legal name change, a prison is only required to allow the inmate to use his new religious name in conjunction with the name under which he was committed, Baker, 415 F.3d at 1274; and it appearing that Bureau of Prisons’ policy requires an inmate to provide prison staff with

“verifiable documentation of the name change” so that such name may be entered as the inmate’s “legal” name, see Federal Bureau of Prisons, Program Statement P5800.14 § 402(d) (Dec. 30, 2006),

IT IS therefore on this 6th day of February, 2008,

ORDERED that the application of Christopher Pemberton, n/k/a “Shadaiya Ben-Yahuwa,” to amend the judgment and commitment order entered in this matter on August 28, 2003 is **DENIED**.

/s/ Faith S. Hochberg

Hon. Faith S. Hochberg, U.S.D.J.